

ILLINOIS POLLUTION CONTROL BOARD  
December 3, 1981

CITY OF ONEIDA, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-154  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the variance petition filed by the City of Oneida (City) October 5, 1981 as amended October 14, 1981. The Village seeks variance from the 2.0 mg/l fluoride concentration limit of Rule 304(b)(4) of Chapter 6: Public Water Supplies. Such variance had previously been granted in PCB 79-158 (November 1, 1979). In its Recommendation of October 16, 1981 as amended October 28, 1981, the Illinois Environmental Protection Agency (Agency) supports grant of variance. Hearing was waived and none has been held.

The City of Oneida, located in Knox County with a population of about 780, essentially alleges that circumstances remain unchanged since 79-158. Its 300 water users are supplied with water whose fluoride content ranges from 1.8 to 3.8 mg/l. Bone char adsorption continues to be viewed as the most effective compliance option, although it believes its 1979 installation cost estimate of \$255,000 should be increased 25%, with a resultant increase in monthly user fees of some \$21.00. Finally, the Village reasserts its belief that the consumption of water with fluoride at these levels will have no adverse effect on the health of its water users.

The Board again finds that the Village has demonstrated that immediate compliance would impose an arbitrary and unreasonable hardship on its water users. The Agency acknowledges that this petition falls in line with recent cases in which the Board has granted 5 year variances to small municipalities, but believes variance can be recommended only through January 1, 1984, the current deadline for exemptions under Section 1416 of the Safe Drinking Water Act, 42 U.S.C. 300(g)5. For the reasons stated in previous opinions, consistent with §1415 of the SDWA which has no deadline, the Board grants variance for a five year period, subject to the conditions outlined in the attached Order. (See City of Minonk, PCB 80-136, October 2, 1980, and cases cited therein at p. 3.)

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Petitioner, the City of Oneida, is granted a five year variance from the 2.0 mg/l maximum fluoride concentration standard of Rule 304(B)(4) of Chapter 6: Public Water Supplies, subject to the following conditions:

a. Beginning on or about June 1, 1982, and at six month intervals thereafter, the Petitioner shall communicate with the Agency in order to ascertain whether fluoride removal techniques specifically applicable to small systems have been developed and identified. As expeditiously after such identification as is practicable, Petitioner shall submit to the Agency a program (with increments of progress) for bringing its system into compliance with fluoride standards.

b. Petitioner shall take all reasonable measures with its existing equipment to minimize the level of fluoride in its water supply and shall not allow the fluoride concentration to exceed 4.0 mg/l.

c. Pursuant to Rule 313(D)(1) of Chapter 6, on or before January 30, 1982 and every three months thereafter Petitioner will send to each user of its public water supply a written notice to the effect that Petitioner has been granted by the Pollution Control Board a variance from the 2.0 mg/l maximum fluoride standard. The notice shall state the average content of fluoride in samples taken since the last notice period during which samples were taken.

2. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, PWS Enforcement Programs, 2200 Churchill Road, Springfield, IL 62706, a Certificate and Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 81-154, dated \_\_\_\_\_, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

By: Authorized Agent

Title \_\_\_\_\_

Date \_\_\_\_\_

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3<sup>rd</sup> day of December, 1981 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board